

By: Parker, Krause

H.B. No. 787

Substitute the following for H.B. No. 787:

By: Cook

C.S.H.B. No. 787

A BILL TO BE ENTITLED

AN ACT

relating to the security of the electric grid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) In this section:

(1) "Critical infrastructure" means electric utility facilities located in the ERCOT power region. The term does not include power generation facilities.

(2) "Cybersecurity" means the activity, process, ability, capability, or state where information and communication systems and the information contained in those systems are protected from and defended against damage, unauthorized use, modification, or exploitation.

(3) "Electromagnetic pulse threat" means an electromagnetic pulse caused by intentional means, including an act of terrorism.

(4) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.

(5) "ERCOT" has the meaning assigned by Section 31.002, Utilities Code.

(6) "ERCOT organization" means the independent organization certified under Section 39.151, Utilities Code, for the ERCOT region.

(b) The Electric Grid Security Advisory Committee is created. The committee is composed of the following members:

1 (1) four members appointed by the governor to study
2 electromagnetic pulse threats; and

3 (2) four members appointed by the governor to study
4 cybersecurity.

5 (c) Each member of the committee must have professional
6 experience or technical training in:

7 (1) cybersecurity;

8 (2) electromagnetic interference;

9 (3) electric power generation or transmission;

10 (4) electromagnetic pulse hardening;

11 (5) physical security and controls;

12 (6) space physics and weather;

13 (7) supervisory controls and data acquisition; or

14 (8) emergency preparedness.

15 (d) The governor shall designate a member of the committee
16 to serve as presiding officer.

17 (e) The committee shall convene at the call of the presiding
18 officer.

19 (f) The committee shall study critical infrastructure and
20 its vulnerability to electromagnetic pulse and cybersecurity
21 threats. The study must:

22 (1) evaluate and summarize the current state of the
23 electric grid and associated computer systems and networks;

24 (2) consider potential security threats to the
25 electric grid and associated computer systems and networks;

26 (3) assess whether further efforts are needed to
27 secure the electric grid and associated computer systems and

1 networks against damage, including the threat of electromagnetic
2 pulse or other attacks and natural threats, including solar flares;

3 (4) recommend measures to secure the electric grid and
4 associated computer systems and networks against damage; and

5 (5) develop a recommended strategy to protect and
6 prepare critical infrastructure in the ERCOT region against
7 threats.

8 (g) The committee may use research and data on
9 electromagnetic pulse threats and cybersecurity gathered by the
10 Electric Power Research Institute.

11 (h) The committee may share its findings with any state
12 agency it considers important to the security of the electric grid
13 or associated computer systems or networks. To the extent allowed
14 by law, a state agency with which the committee shares information
15 is encouraged to implement any recommendations that the agency
16 determines will improve the security of the state's electric grid
17 or associated computer systems or networks.

18 (i) The ERCOT organization shall cooperate with the
19 committee to provide any information and resources the committee
20 considers important to the study.

21 (j) A member of the committee is not entitled to
22 compensation but is entitled to reimbursement for the member's
23 travel expenses as provided by Chapter 660, Government Code, and
24 the General Appropriations Act.

25 (k) A vacancy on the task force shall be filled for the
26 unexpired term in the same manner as the original appointment.

27 (l) The committee is not subject to Chapter 2110, Government

1 Code.

2 (m) Not later than December 1, 2018, the committee shall
3 prepare a report of its findings, including any recommendations for
4 legislation resulting from the findings, and shall submit the
5 report to the governor.

6 (n) The committee's work relates to sensitive matters of
7 security. Notwithstanding any other law, the meetings, work, and
8 findings of the committee are not subject to the requirements of
9 Chapter 551 or 552, Government Code. Each member of the committee
10 shall sign a nondisclosure agreement stating that the member will
11 not disclose to the public any sensitive or identifiable
12 information related to grid security measures or plans.

13 (o) This section is not intended to penalize electric
14 providers in this state. If deficiencies in the security of the
15 electric grid in the ERCOT region are determined through the
16 process established in this section and the legislature, in
17 consultation with the governor, determines upgrades to the electric
18 grid are necessary, the legislature shall determine whether
19 upgrades will be funded by appropriating general revenue funds or
20 through a ratepayer cost recovery mechanism.

21 (p) The committee is abolished and this section expires on
22 December 31, 2018.

23 SECTION 2. Subchapter Z, Chapter 39, Utilities Code, is
24 amended by adding Section 39.917 to read as follows:

25 Sec. 39.917. INFORMATION RELATED TO GRID SECURITY. The
26 independent organization certified under Section 39.151 shall
27 collect and compile information related to the security of the

1 electric grid. The information is confidential and is not subject
2 to disclosure under Chapter 552, Government Code.

3 SECTION 3. The governor shall appoint members to the
4 Electric Grid Security Advisory Committee, as required by this Act,
5 as soon as practicable after the effective date of this Act, but not
6 later than the 120th day after the effective date of this Act.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.